

SCANNED  
DATE: 6/3/04  
BY: M.P.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

FAFARD REAL ESTATE & )  
DEVELOPMENT CORP. )  
Plaintiff, )  
vs. ) NO. 04-11531-RGS  
METRO-BOSTON BROADCASTING, )  
INC., )  
Defendant. )

**MEMORANDUM OF LIS PENDENS**

**PLEASE TAKE NOTICE** that on June 2, 2004, the plaintiff, Fafard Real Estate & Development Corp. ("Fafard") commenced an action in the Superior Court of Middlesex County, against the defendant, Metro-Boston Broadcasting, Inc., ("Metro-Boston"), the general partner of Tower Sites, Limited; C.A. No. 04-2282C, which was subsequently removed to the United States District Court for the District of Massachusetts, Case No. 04-11531-RGS, wherein Fafard seeks among other things, the enforcement of a Purchase and Sale Agreement for real estate located at Lots 6B, 12, and a ten (10) acre portion of Lot 11 as shown by the saw-toothed boundary line shown on Subdivision Plan of Land 16849D ("Plan No. 16849D"), attached hereto, in Ashland, Middlesex County of Massachusetts, which is property that stands in the name of Tower Sites, Ltd. Plan No. 16849D is filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 936,

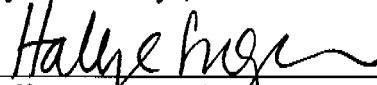
Page 51.

**PLEASE TAKE FURTHER NOTICE** that said action states a claim of a right to the title to real property or the use and occupancy thereof within the meaning of Massachusetts General Laws, Chapter 184, § 15, and the property so affected is that certain plot, piece or parcel of land in Ashland, MA, known and numbered as Lots 12, 6B, and the ten (10) acre portion of Lot 11, which land is shown by the saw-toothed boundary line in the Subdivision Plan of Land 16849D, which is attached hereto.

Respectfully submitted,

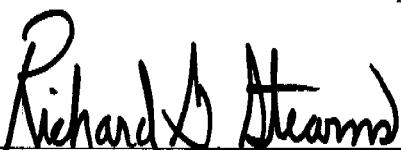
FAFARD REAL ESTATE  
& DEVELOPMENT CORP.,

By its attorneys,

  
\_\_\_\_\_  
Jeffrey J. Upton (BBO#552221)  
Halye A. Sugarman (BBO#646773)  
HANIFY & KING  
Professional Corporation  
One Beacon Street  
Boston, MA 02108-3107  
(617) 423-0400

Dated: December 2, 2004  
418420

The Court finds that this matter constitutes a claim to the use and occupation of real property and the buildings thereon.

  
\_\_\_\_\_  
United States District Judge

Dated: 12-13-04.